

REMARKS

Upon entry of the above amendment, claims 1-19 will be pending in this application. Applicant respectfully submits that the amendment does not introduce new matter within the meaning of 35 U.S.C. §132. Accordingly, entry of the amendment is respectfully requested.

1. Rejection of claims 1-19 under 35 USC 112, 1st paragraph

The Official Action states that claims 1-19 are rejected under 35 USC 112, 1st paragraph as failing to comply with the enablement requirement.

In particular, the Official Action states that while the claims are enabled by the specification to recite compounds of formula 1 and their corresponding salts, the claims are not enabled to recite hydrates, hydrates of the salts, solvates or solvates of the salts of the compounds. The Official Action also states that claim 17, while being enabled for the treatment of asthma, is not enabled for all the other various diseases recited therein.

Applicant respectfully traverses the rejection of claims 1-19. However, solely to remove the basis for the rejection of these claims, applicant has deleted the rejected language from the claims without prejudice. In particular, applicant has removed the language related to hydrates, solvates, hydrates of the salts and

solvates of the salts of the compounds. Applicant has also deleted all disorders from claim 17, except for asthma, which the Examiner has indicated is enabled.

Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

2. Rejection of claims 1-19 under 35 USC 112, 2nd paragraph

The Official Action states that claims 1-19 are rejected under 35 USC 112, 2nd paragraph as indefinite. In particular, the Examiner alleges that the phrase "and mixtures thereof" throughout the claims in the definition of "aryl" is confusing and indefinite. Also, the Examiner has alleged that, in claim 17, the recitation of "other" is indefinite. Further, the Examiner alleges that the terms "derivate" and "derivative" are indefinite.

Applicant respectfully traverses this rejection. However, solely to remove the basis for this rejection, applicant has deleted the rejected language from the claims without prejudice. In particular, "and mixtures thereof" has been removed from the claims which recite the aryl substituent. Further, claim 17 has been amended to delete the reference to "other" disorders. Also, the terms "derivate" and "derivative" have been deleted from the claims.

Accordingly, the basis of this rejection has been rendered

moot and applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

CONCLUSION

Based upon the above amendment and remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the prior art of record. The Examiner is therefore respectfully requested to reconsider and withdraw the pending rejections and allow all pending claims of this application. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned attorney if she has any questions or comments.

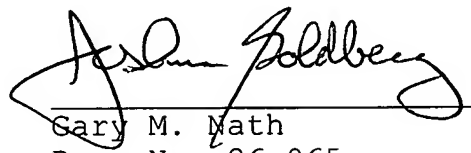
Respectfully submitted,

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Date: February 28, 2008

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A handwritten signature in black ink, appearing to read "Gary M. Nath", is written over a horizontal line.

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